

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GRADY JACKSON, JR.

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Civil Action No. 06-154 Erie

**MEMORANDUM ORDER**

\_\_\_\_\_ Plaintiff's complaint was received by the Clerk of Court on July 13, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, filed on July 24, 2007 [32], recommended that the Defendants' motion to dismiss Plaintiff's amended complaint or, in the alternative, motion for summary judgment [14], be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at FCI McKean, where he is incarcerated, and on the Defendant. No objections were filed. After de novo review of the complaint and documents in the case, including the Report and Recommendation, this Court entered a Memorandum Order on September 25, 2007 [37] adopting the Report and Recommendation and granting the Defendants' motion to dismiss or, in the alternative, motion for summary judgment [14].

Thereafter, Plaintiff filed a belated motion [38] seeking an extension of time in which to file his objections to the Report and Recommendation. This Court granted the motion and reopened the case [39]. Plaintiff filed his objections [40] on November 1, 2007 and the government filed its reply [41] that same day. After further de novo review of the amended complaint and the documents in the case, including the Chief Magistrate Judge's Report and Recommendation and the objections and responses thereto, the following Order is entered:

AND NOW, *to wit*, this 19<sup>th</sup> day of November, 2007;

IT IS HEREBY ORDERED that the Defendants' motion to dismiss Plaintiff's amended complaint or, in the alternative, motion for summary judgment [14] be and hereby is GRANTED and the case is DISMISSED.

The report and recommendation of Chief Magistrate Judge Baxter, dated July 24, 2007 [32], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin  
United States District Judge

cc: all parties of record  
Chief U.S. Magistrate Judge Baxter